IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Holden et al.**
Serial No.: **10/737,341**
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Conf. No.: **9103**
Examiner: **Vautrot, Dennis L.**
Art Unit: **2167**
Title: **UNREAD MARK REPLICATION BOUNCE-BACK PREVENTION**

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PRE-APPEAL BRIEF CONFERENCE REQUEST

Sir:

Applicants request a panel of experienced Examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference program. A Notice of Appeal has been filed together with this Request.

Applicants submit that the above-identified application is not in condition for appeal because the Examiner has failed to establish a *prima facie* case of anticipation based on error in facts. Claims 1-22 are pending in this application.

Claims 1-22 are rejected under 35 U.S.C. 102(b) over Benson (U.S. Patent No. 5,819,272). This rejection is defective because Benson fails to disclose each and every feature set forth in the claims as required by 35 U.S.C.

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102(b).

The Examiner alleges that the step of "storing an identification of an **originating** server of a replicated unread activity in an unread log of a **receiving** server" corresponds to the "Per_User_GUID 36" disclosed in column 4, lines 16-18 of Benson. This is incorrect. On the contrary, Benson's Per_User_GUID 36 is the "identifier of the **replica** server to which the master copy was last copied." Thus, the Per_User_GUID 36 identifies a receiving server, not the server that originated the data that is replicated as set forth in independent claim 1 of the present patent application.

In the Response to Arguments section of the above-referenced Final Office Action, the Examiner states that while Benson "does say that the Per_User_GUID represents the ID of the replica server, conceptually, however, **the replica server becomes the originating server** as soon as the changes that are made on a server are passed on to the next server." The Examiner further states that when "changes are propagated from this server, the Per_User_GUID would now represent the new originating server." This is incorrect. In such a case, as admitted by the Examiner, the Per_User_GUID would now represent the ID of the next server (i.e., next replica server) to which the changes have been passed on by the new originating server.

The Examiner, by arguing that "**the replica server becomes the originating server**" in Benson, appears to have misinterpreted the language of independent claim 1. In independent claim 1, both an originating server and a

receiving server are provided. Further, during a subsequent replication process initiated by the receiving server, replication of unread activity from the receiving server back to the originating server is prevented.

As can be seen in the illustrative embodiment of the present invention depicted in FIGS. 3 and 4, during a replication operation (FIG. 3), an originating server (i.e., server 102_1) replicates unread activities to a receiving server (e.g., server 102_2). Although the receiving server (e.g., server 102_2) can initiate a subsequent replication operation as shown in FIG. 4, that server does not "**become**" the originating server 102_1, which originally sent it the unread activities. This distinction is clearly set forth in claim 1 in which Applicants first claim "**an** originating server" and then claim the prevention of replication back to "**the** originating server." It appears that the Examiner's analysis of Benson is based on the incorrect premise that "an originating server" and "the originating server" do not refer to the same server in independent claim 1. Further, it appears that the Examiner is ignoring the antecedent basis of "the originating server" in independent claim 1.

The Examiner further alleges that the process of opening communication with an assigned replica, as disclosed in column 4, lines 43-49 of Benson, corresponds to the claimed step of "during a subsequent replication process initiated by the receiving server, preventing replication of the unread activity back to the originating server." This is also incorrect. On the contrary, this section of Benson discloses that if the Per_User_GUID in the master copy is different from

the GUID of the replica server (see step 54, FIG. 3), the per user read/unread

data is copied to that replica (see, step 56, FIG. 3). Then, if it is determined that

the per user read/unread data has changed (step 62, FIG. 3), that replica's GUID

is used as the Per_User_GUID (see step 64, FIG. 3). However, if the

Per_User_GUID in the master copy is the same as the GUID of the replica

server, that replica is opened (see step 58, FIG. 3). It should also be noted that

this process is not initiated by a replica as set forth in independent claim 1 of the

present patent application. Rather, this process is initiated when a user opens a

folder on a client (see step 50, FIG. 3).

Similar errors in facts are present in the rejection of independent claims 8,

15, and 22 under 35 U.S.C. 102(b).

In view of the foregoing, Applicants submit that the Examiner has failed to

establish a *prima facie* case of anticipation, and that this application is not in

condition for appeal and should either be allowed as is, or re-opened for further

prosecution.

Respectfully submitted,

/ John A. Merecki /

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